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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,136	02/26/2002	Kazuo Hiraguchi	Q66505	5389

7590 11/28/2003
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EXAMINER

HAUGLAND, SCOTT J

ART UNIT PAPER NUMBER

3654

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,136	HIRAGUCHI ET AL.	
	Examiner	Art Unit	
	Scott Haugland	3654	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 and 10-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,9 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 3-7 and 10-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 8, 9, and 26-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "cantilever-like" in claim 1, line 7 is indefinite because it is not clear what structures other than a cantilever structure would be considered cantilever-like. See MPEP § 2173.05(d).

In claim 28, line 2, the language "an open piece portion" is not clear and it is not clear what disclosed element or feature this language refers to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gelardi et al '491.

Gelardi et al '491 discloses a recording media cartridge comprising a case body having an upper half 10 and a lower half (base) (note column 1, lines 11-15 and column 3, lines 19-21), a reel, a reel presser spring 14, and a presser spring anchor portion 20 on the upper half. The presser spring is detachably mounted on the upper half (cover) so that it can be collected for reuse (recycling) without damaging the other components (see column 6, lines 30-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelardi et al '491 in view of Saito.

Gelardi et al '491 discloses a recording media cartridge comprising a case body having an upper half 10 and a lower half (base) (note column 1, lines 11-15 and column 3, lines 19-21), a reel, a reel presser spring 14, and a presser spring anchor portion 20 on the upper half. The presser spring is detachably mounted on the upper half (cover) so that it can be collected for reuse (recycling) without damaging other components (see column 6, lines 30-34). The presser spring anchor portion has a portion 28, 29 implanted in the inner surface of the upper half and an overhanging portion 34, 36. Note Fig. 2.

Gelardi et al '491 does not disclose a U-shaped insertion anchor portion on the presser spring.

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Saito teaches providing a presser spring for use in a recording media cartridge with a U-shaped portion 135', 135'', 190 (note Figs. 8 and 17-19) for insertion into a presser spring anchor portion 110, 112 on the case body of the cartridge to secure the presser spring against axial movement in the anchor portion without the use of adhesives. Note column 5, lines 21-31.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the presser spring of Gelardi et al '491 with a U-shaped anchor portion as taught by Saito to enhance securement of the spring against axial movement when it is attached to the case body.

With regard to claim 28, note that Gelardi et al '491 has a convex portion at the free ends of the spring (Fig. 6).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelardi et al '491 in view of Saito as applied to claim 9 above, and further in view of Ooishi et al.

Gelardi et al '491 does not disclose a bent tip portion located on one end of the reel presser spring.

Ooishi et al teaches providing a reel presser spring 32 with a bent tip portion located on one end of the reel presser spring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the reel presser spring of Gelardi et al '491 with a bent tip portion located on one end of the reel presser spring as taught by Ooishi et al to provide a more downwardly directed biasing force on the tape reels.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelardi et al '491.

Gelardi et al '491 discloses a recording media cartridge comprising a case body having an upper half 10 and a lower half (base) (note column 1, lines 11-15 and column 3, lines 19-21), a reel, a reel presser spring 14, and a presser spring anchor portion 20 on the upper half. The presser spring is detachably mounted on the upper half (cover) so that it can be collected for reuse (recycling) without damaging other components (see column 6, lines 30-34). The presser spring anchor portion has a portion 28, 29 implanted in the inner surface of the upper half and an overhanging portion 34, 36. Note Fig. 2. The presser spring has an anchor hole (associated with projection 19, Fig. 5; 39, Figs. 7-9) that receives a convex portion 13, 44 located on the upper half of the case.

Gelardi et al '491 does not disclose an anchor hole in the presser spring anchor portion of the upper half of the case.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the anchor hole for the reel presser spring of Gelardi et al '491 on the upper half of the case and to locate the convex portion on the reel presser spring since it would have been clear that reversal of these structures would also have provided the desired spring fixing and locating function.

Response to Arguments

Applicants' arguments filed 9/22/03 have been fully considered but they are not persuasive.

Applicants argue that Gelardi et al '491 does not disclose a reel presser spring supported in a cantilever-like manner. However, as clearly shown in Gelardi et al (e.g., Fig. 2), the reel presser spring 14 (and the other embodiments of the presser spring) has two cantilever arms 16 and 18 having one free end and a common fixed portion.

Applicants further argue that Saito does not disclose a reel presser spring having a U-shaped insertion anchor portion and does not teach urging tape reels. However, Saito teaches how to mount a cantilever presser spring in a tape cartridge so that its base is securely held against movement while its free end may flex to apply and maintain a biasing force on a component

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of the cartridge. The teachings of Saito are relevant to mounting similar springs such as the reel presser spring of Gelardi et al.

It is noted that the previous rejection did not state that elements 110 and 112 of Saito are presser springs having U-shaped portions. It correctly identified elements 110, 112 as presser spring anchor portions and stated that the presser springs have U-shaped portions 135', 135'', 190 (Figs. 8, 17-19).

Applicants argue that claim 1 is generic. The examiner agrees that claim 1 is readable on species I-IX as applicant asserts, but claim 1 is not a generic claim in this application since it does not read on all of the disclosed species. For example, it does not read on species XVIII (Fig. 32).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Newly presented claim 26 including the limitation that the reel presser spring has a bent tip portion located at one end necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

sjh
sjh
11/24/03

Kathy Matecki
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